IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2951 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUD-CHEMIE INDIA PVT. LTD.

Versus

WORKERS REPRESENTED BY BARODA LABOUR UNION

Appearance:

1. Special Civil Application No. 2951 of 2004

MR DIPAK R DAVE for Petitioner No. 1

MR SJ SHAH for Petitioner No. 1

MR TR MISHRA for Respondent

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 10/08/2004

ORAL JUDGEMENT

1. Learned advocate for the petitioner seeks permission to delete the respondents No.2 and 3.

Permission as prayed for, is granted.

2. Heard the learned advocates for both the parties.

3. Rule. Mr.T.R.Mishra, learned advocate waives service of notice of rule on behalf of the respondent No.1. At the Joint request of learned advocates for both the parties, this petition is taken up for final disposal, today.

3. In the present petition, the petitioner has challenged the interim order dated 23.09.2003 passed by the Industrial Tribunal, Vadodara, in Reference (IT) No.43 of 2003, by which certain interim directions protecting the service of the workmen have been granted.

4. With the consensus of the advocates, the present petition can be disposed of by giving suitable directions. Both the learned advocates submit that the impugned order was passed on 23.09.2003 and the petition can be disposed of by directing the Industrial Tribunal to dispose of the main Reference itself within specified time period. With respect to the interim arrangement, the interim order granted by the Industrial Tribunal on 23.09.2003 can be continued, subject, however, to the modification that the directions regarding even if, no contract is awarded, the petitioner - Company should be continued to engage the workers and pay the salary should be deleted.

5. Considering the submission made, the Industrial Tribunal is requested to give priority consideration to the pending Reference (I.T.) No.43 of 2003 and see to it that the same is disposed of as far as possible within a period of six months from the date of receipt of a copy of this order. Needless to say that the Industrial Tribunal would not be influenced by any of the observations made in the order dated 23.09.2003 as the same was an ad-interim order. The interim directions contained in order dated 23.09.2003 shall stand modified to the extent that the said order mandates the petitioner to continue to engage the workers even, in case, no contract is issued, shall be deleted. It is, however, clarified that the petitioner shall not be entered into engaged other workers or new workers in preference to the existing workers.

6. In view of the aforesaid observations and directions, this petition stands disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.

[Akil Kureshi,J.]

(vijay)